

VZCZCXRO3927
PP RUEHROV RUEHTRO
DE RUEHKH #0149 0351513
ZNY CCCCC ZZH
P 041513Z FEB 09 ZDS
FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC PRIORITY 2872
INFO RUCNIAD/IGAD COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE

C O N F I D E N T I A L KHARTOUM 000149

C O R R E C T E D C O P Y - G A R B L E D T E X T

SIPDIS

DEPARTMENT FOR A A/S CARTER AND AF/SPG
ADDIS ABABA FOR USAU

E.O. 12958: DECL: 02/04/2019

TAGS: [ASEC](#) [PGOV](#) [PREL](#) [KPKO](#) [UN](#) [AU](#) [SU](#)

SUBJECT: SPLM DEPUTY SPEAKER OF PARLIAMENT STRUGGLES TO
SECURE NCP SUPPORT FOR KEY LAWS

Classified By: CDA Alberto M. Fernandez, for reasons 1.4 (b) and (d)

¶1. (C) Summary: The SPLM's Deputy Speaker of Parliament outlined his party's struggles in Parliament to win concessions from the NCP on crucial laws related to National Security and the 2011 South Sudan referendum. He expressed fears that NCP MP's opposed to the referendum will use the upcoming ICC announcement to implement laws that strengthen the regime and increase its ability to manipulate the referendum process in order to engineer an outcome favorable to Khartoum. End Summary.

¶2. (C) Senior Representative for Sudan Shortley and CDA Fernandez met with Atem Garang, SPLM Deputy Speaker of Parliament, on February 3 at his office in the National Assembly. Garang described key differences between the SPLM and the NCP on a key National Security law currently under debate. At present, the National Intelligence Service (NISS) may arrest and hold anyone up to 60 days without charge, and an additional 30 days with approval of NISS Chief Salah Ghosh. The released individual can then be re-arrested the next day, starting the clock again. Garang told Shortley that the SPLM has pushed for language in the National Security law to reduce the period of imprisonment without charge, but encountered resistance from the NCP caucus, which argues that this power is a necessary "preventive institution" to protect the state from enemies and foreign plots. The SPLM has also pressed for statutory approval of the selection of the NISS Chief by the SPLM 1st Vice President and the appointment of an SPLM official as NISS Deputy Director. Garang said that these proposals have not made it past the NCP Parliamentary block.

¶3. (C) Garang said the SPLM has also faced challenges from the NCP in drafting a 2011 South Sudan referendum law. The SPLM seeks to classify a Southerner, for the purposes of the referendum, as an individual with at least one Southern Sudanese parent. The SPLM's dispute with the NCP centers on where a Southerner may vote. The SPLM seeks to require Southerners to physically vote in South Sudan, outside of NCP-control and under international monitoring. The NCP seeks to allow Southerners to vote from anywhere in the world, including north Sudan and the Diaspora. Garang expressed the SPLM's fear that the NCP will use its control of northern Sudan and Embassies abroad to manipulate the total and artificially inflate the number of votes in favor of union. The Deputy Speaker said that NCP members of Parliament seek to wait until national elections to discuss the referendum law, hoping to secure a large NCP majority that can write the referendum law to favor union with the North. "If this happens," warns Garang, "there will be chaos." Garang said that he considers the Umma Party to be the wild card in Parliament, as they have no vested interest in the CPA and seek a way to get back in to power through a broader power

sharing agreement.

¶4. (C) The Deputy Speaker's doomsday scenario is that NCP MP's may try to take advantage of the upcoming ICC announcement to declare a state of emergency and cancel the CPA (technically such a state would also require FVP Kiir of the SPLM's approval as well). He offered a conciliatory tone as head of the SPLM caucus, expressing Sudanese solidarity: "If the indictment is issued, let us refuse it peacefully." He called on both parties to "Stick to the Constitution, even if the indictment comes."

¶5. (C) Comment: The success of the 2009 national elections, 2011 referendum, and development of a healthy political space in Sudan is to a great degree contingent on the ability of the SPLM National Assembly MP's to extract concessions from the NCP on electoral and National Security laws. The outcome of these key Parliamentary bills will be tied to the NCP's choices in the aftermath of the ICC - however since the NCP will be to a certain extent reliant on the SPLM to help defend it from the ICC, the SPLM should be able to extract some concessions from the NCP on both the laws that will affect the elections and the referendum law.

¶6. (U) Senior Representative Shortley cleared this message prior to his departure.
FERNANDEZ